

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MILAGROS GARCIA,

Petitioner,

vs.

FDC-PHILADELPHIA,

Respondent.

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CIVIL NO. 06-3031

ORDER

AND NOW, this 5th day of April 2007, after review of the Report and Recommendation of U.S. Magistrate Judge Peter B. Scuderi,¹ and no objections being filed thereto, it is hereby

ORDERED, that the Report and Recommendation is **APPROVED** and **ADOPTED**; it is further

ORDERED, that the Petition for Writ of Habeas Corpus [Doc. # 1] is **DENIED**; and it is further

ORDERED, that a certificate of appealability **SHALL NOT ISSUE**.²

The Clerk shall **CLOSE** this case.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.

¹ The Court agrees with Judge Scuderi's conclusion that this Petition is meritless. The Court of Appeals recently upheld the formula that the Bureau of Prisons uses to compute good time, as a permissible interpretation of 18 U.S.C. § 3624(b). O'Donald v. Johns, 402 F.3d 172, 174 (3d Cir. 2005) (citing Chevron U.S.A., Inc. v. NRDC, 467 U.S. 837 (1984)). Therefore, this Court is precluded from considering a different, more prisoner-favorable interpretation of Congress's language.

² Petitioner has filed her petition under 28 U.S.C. § 2241. She is therefore free to appeal this decision without a certificate of appealability. See 28 U.S.C. § 2253(c); Sugarman v. Pitzer, 170 F.3d 1145 (D.C. Cir. 1999).